

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**ENTERED**

September 30, 2024

Nathan Ochsner, Clerk

MICHAEL LEWIS, *et al*

VS

ROSENBERG POLICE DEPARTMENT, *et al*§  
§  
§  
§  
§

CIVIL ACTION NO. H-22-2593

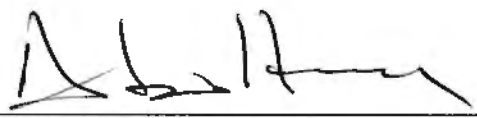
**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Pending before the Court in the above referenced proceeding is Defendant Officer Matthew Newport's Opposed Motion to Dismiss (Doc. No. 59) to which Plaintiff responded (Doc. No. 66); and Magistrate Judge Bennett's Memorandum and Recommendation (Doc. No. 93). Neither party filed objections and the time for doing so has passed.

The Court has carefully reviewed the filings, the applicable law, the Magistrate Judge's Memorandum and Recommendation and agrees with the Magistrate Judge's conclusions. It is therefore

**ORDERED** that the Memorandum and Recommendation (Doc. No. 93) is **ADOPTED**. It is further

**ORDERED** that Defendant Officer Matthew Newport's Opposed Motion to Dismiss (Doc. No. 59) is **DENIED** as to Plaintiff Lewis' excessive force claim and **DENIED AS MOOT** as to Newport's statute of limitations argument, Plaintiffs' unlawful arrest claims, and Plaintiff Armstead's unlawful search claim.

SIGNED this 30<sup>th</sup> day of September 2024.


ANDREW S. HANEN  
UNITED STATES DISTRICT JUDGE